IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.956 OF 2004

Mr.V.S.Talkute for the Petitioner.

Ms.Smita Mane i/b P.B.Shah for Respondent.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 5th October,2005
	P.C.:
	Though it is true that the counter claim was filed after recording of evidence of the Plaintiff was over, but according to counter claim, the cause of action for filing the counter claim arose in May, 2002 much after the Plaintiff has closed his evidence. In my opinion, therefore, it cannot be said that the trial court has committed any jurisdictional error in rejecting the application filed by the Petitioner/Plaintiff for excluding the counter claim. Petition is rejected.

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